

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

DAVID PATTERSON and DENA PATTERSON  
as next friend of their minor child DANE PATTERSON,

Plaintiffs,

v.

CASE NO. 05-74439  
HON. LAWRENCE P. ZATKOFF

HUDSON AREA SCHOOLS and  
KATHY MALNAR, jointly and severally,

Defendants.

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**ORDER DISMISSING PLAINTIFFS' STATE LAW CLAIMS**

Plaintiffs filed their Complaint on November 22, 2005. Plaintiffs' Complaint contains the following four claims:

- (1) Violation of Title IX (Complaint at sec. IV.);
- (2) Violation of equal protection (Complaint at sec. IV.);
- (3) Intentional Infliction of Emotional Distress (Complaint at sec. V.A.); and
- (4) Gross Negligence (Complaint at sec. V.B.).

The Court has subject matter jurisdiction over the first two claims, in section IV of the Complaint, because they arise under federal law. *See* 28 U.S.C. § 1331. The claims in sections V.A., and V.B., however, are based upon state law. Although the Court has supplemental jurisdiction over state law claims pursuant to 28 U.S.C. § 1367(a), the Court may decline to exercise supplemental jurisdiction if there are "compelling reasons for declining jurisdiction." *See* 28 U.S.C. § 1367(c)(4). The Court declines to exercise supplemental jurisdiction over Plaintiffs' state law claims in this matter. The Court finds that the contemporaneous presentation of Plaintiffs' state

claims for relief will result in the undue confusion of the jury. *See* 28 U.S.C. § 1367(c)(4); *see also Padilla v. City of Saginaw*, 867 F. Supp. 1309, 1315 (E.D. Mich. 1994).

Accordingly, IT IS ORDERED that Plaintiffs' state law claims of Intentional Infliction of Emotional Distress (sec. V.A.) and Gross Negligence (sec. V.B.) are hereby DISMISSED without prejudice. The Court retains jurisdiction over Plaintiffs' federal claims (sec. IV.).

IT IS SO ORDERED.

s/Lawrence P. Zatkoff

LAWRENCE P. ZATKOFF

UNITED STATES DISTRICT JUDGE

Dated: January 3, 2006

#### CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on January 3, 2006.

s/Marie E. Verlinde

Case Manager

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